

**TIVERTON PLANNING BOARD  
MINUTES OF MEETING  
March 4, 2014**

Chairman Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:00 P.M. at the Town Hall, 343 Highland Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Carol Guimond, David Holmes, Peter Moniz and David Saurette. Peter Corr was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, Director of Public Works Stephen Berlucchi, Planning Board's engineering consultant Deirdre Paiva of Commonwealth Engineers and Consultants and attorney Wyatt Brochu substituting for the Planning Board's Solicitor Peter Ruggiero, Esq.

**1. Main Road Properties, Inc. – c/o Rosalind Weir – PO Box 98 – Adamsville, RI 02801 – Zoning Map Amendment Required to Change District from R-80 to VC (Village Commercial) – Referred by Town Council on January 13, 2014 for Planning Board Findings and Recommendation (See: Zoning Ordinance Article XIX, Section 2) – Plat 706 / Lot 106 (3838 Main Road) and Plat 706 / Lot 107 (3842 Main Road) – E/S Main Road, North of East Road – ZA01-14 – Timeclock = Waived – Continued from February 4, 2014** Ms. Guimond and Mr. Saurette recused themselves from this item and left the table. Owner Rosalind Weir and attorney Timothy More were present on behalf of the petition. Ms. Eva noted that the submission materials were due by February 18, but were only received yesterday. The Chairman stated that he would leave it up to the Board whether or not they wanted to hear this petition. He noted that the plan was still not complete. Mr. Moniz stated that he was not upset about the lateness of the submission, and that the plans did not contain a lot of detail. He suggested that the Planning Board should be flexible so as to not drag things out. Mr. Holmes opined that it was not fair to the Planning Board to receive late submissions. Ms. Cote stated that she would prefer to postpone this item. Ms. Eva expressed concern regarding precedent, noting that zoning amendments are very important issues. Mr. Hardy opined that the Board should proceed, as the item may need to be continued for other reasons. Mr. Holmes agreed that the Board should point out corrections for the petitioner.

The Chairman stated that the current and proposed zoning was reversed on the plan, the district boundaries were incorrect and the lot numbers in the title block were incorrect. Ms. Michaud noted that an 8.5" x 11" five hundred (500) foot radius map was submitted separately. Mr. Moniz inquired about the location of driveways. The Chairman replied that this was not a required item. Ms. Eva inquired about the location of the well on Lot 107. The Chairman replied that this information was missing. Ms. Michaud asked the Board if they would prefer to see the radius map on the plan sheet. The Chairman replied that it should be a second sheet to the plan set, of the same size as the lot layout.

Ms. Weir stated that the well servicing 3842 Main Road (Lot 107) was located on 3848 Main Road. The Chairman stated that the well must be depicted with a note regarding the shared status. Ms. Weir stated that if there was a well on Lot 107, it had been abandoned. Mr. More stated that the radius map, abutters' list and statement of uses had been submitted. Mr. Holmes noted that Ms. Weir had indicated that efforts had been made to separate wells and septic systems in the area. Ms. Weir replied that it was a complicated situation, but that she owned all of the properties involved. She stated that the two lots proposed for rezoning had separate septic systems. She stated that the future goal was to create a common well to better satisfy the requirements of RIDEM (RI Department of Environmental Management).

Ms. Eva made a motion to continue this item pending the corrected plans. Mr. Hardy seconded the motion. The motion passed 5-1. Ms. Cote, Ms. Eva, Mr. Hardy, Mr. Holmes and Mr. Moniz voted in favor of the motion. Mr. Hughes was opposed. (Ms. Guimond and Mr. Saurette did not vote.)

Ms. Guimond and Mr. Saurette returned to the table.

**2. Michael Marc Jean – 67 Wilbur Street – Fall River, MA 02724 – Request to the Town Council for an**

**Easement Through an Unimproved Street (Roy Street) Referred by the Town Council on February 24, 2014 – Roy Street (formerly Walnut Street), E/S Crandall Road (formerly Stafford Road), South of Bolduc Lane (formerly Ash Street) – Stafford Heights Subdivision – East Section – Recorded Plan Book 1 Page 55 / December 19, 1901**

Michael Marc Jean was present on behalf of the petition. Mr. Hardy noted that these were the “soap box lots”, and that many of them were owned by the Tiverton Land Trust. Mr. Jean stated that he had cleared the titles of Plat 514, Lots 361 and 362. The Chair stated that he had never reviewed a proposal for crossing a paper street with an easement. He stated that he had visited the site today, noting that there were several houses on Bolduc Lane. He also noted that Bolduc Lane was not in good repair. The Chair stated that he had spoken with Mr. Ruggiero about this petition, and that there were questions about how to proceed with a recommendation. He asked Mr. Brochu to advise.

Mr. Brochu stated that the Town Council had asked the Planning Board for a recommendation. He expressed concern that this petition does not fall within the normal purview of the Board and therefore no standard of review exists. He advised that the Board had discretion to respond as narrowly or broadly as they saw fit. He suggested that the Board should determine what the standard would be for an informed decision. Mr. Brochu noted that it appeared that the roads had not been accepted [by the Town Council] but that the subdivision was created in 1901, prior to establishment of the Planning Board. He stated that he would have questions regarding the specifics of the easement, but that those questions should be answered by the Town Council and their legal counsel. He concluded by stating that it was not a mandatory act for the Planning Board to respond to the referral.

Mr. Berlucchi inquired about frontage. Mr. Jean replied that frontage was via two lots on Bolduc (Lot 334 and 335). Mr. Berlucchi stated that he was not in favor of crossing Roy Street with utilities, but that this was an unusual situation. Mr. Jean stated that two (2) existing houses already cross Roy Street with utilities. Mr. Berlucchi noted that the eastern end of Roy Street is developed.

Mr. Hardy asked if overhead or underground utilities were proposed. Mr. Jean stated that he would do either, and that the only utility available was electricity. Ms. Michaud stated that she had spoken with Building and Zoning Official Gareth Eames regarding this petition, and that the setbacks for construction on Lots 361 and 362 would be as if Roy Street was constructed. Mr. Holmes suggested that if, in the future, Roy Street was constructed in this location the electric service could be moved to Roy Street. Mr. Saurette stated that he did not know why the petitioner was not asking to abandon this portion of Roy Street, as ownership would then revert to the abutters on either side. Mr. Brochu stated that they did not know for sure that the Town has the requisite title interest to grant an easement or abandon the road. He suggested that the Town Council and its legal counsel should investigate the interest of the Town. Mr. Brochu stated that the Board did not have a mechanism to review this type of request.

Mr. Holmes made a motion to send this petition back to the Town Council to determine the ownership of the road. He stated that this was not an issue for the Board to advise on, but that abandonment of this portion of the road should be considered by the Town Council as an option. Mr. Saurette seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

**2. Town Planner & Administrative Officer**

The Chairman invited the new Town Administrator, Matthew Wocjik, to come forward and introduce himself. This being done, the meeting proceeded with the next item.

**A. Administrative Officer’s Report** Ms. Michaud’s report was distributed.

**1. Draft Annual Report to the Town Council – For April Presentation**

The draft report distributed by Ms. Michaud was reviewed. Mr. Moniz suggested that index numbers should be added to reference agendas and minutes. He also suggested that a paragraph should be added about training of Planning Board members. Mr. Moniz asked for the Planning Board webpage

to include a clearer link to minutes and agenda. Ms. Eva referred to page three, asking for a sentence about the type of Administrative Subdivision applications that are referred to the full Planning Board for review. Ms. Michaud agreed to make the changes and distribute the revised document. This item was continued to the April 1 meeting.

**B. Construction Update:**

1. **Stafford View Farm** Ms. Paiva noted that a preconstruction meeting was held on February 26. She stated that tree cutting and chipping was underway. The site would be inspected periodically by Commonwealth [at the applicant's expense]. A construction schedule had been submitted.
2. **Tiverton Public Library** Ms. Paiva noted that the project was behind schedule because of the weather. She noted that concrete pours had not been possible. Ms. Paiva stated that the utilities were not complete and the drainage was not complete. She stated that the contractor was having compaction issues and was still crushing stone on site. She stated that erosion control has been maintained. Ms. Paiva noted that Commonwealth was not performing any building inspections, only site work.

**C. Town Planner Items**

**1. Challenge Grant Project**

**a. Include Plat 119 / Lot 108 (1019 Main Road) in the Commercial Zoning District – Response from the Cecil Group**

**b. Recommendation to the Town Council / Request Public Hearing**

Ms. Michaud stated that a response from the Cecil Group had not been received yet.

**2. Update: Stone Bridge Abutment Repairs**

The Stone Bridge plan was under review by RIDOT.

**D. Miscellaneous**

1. **Grow Smart Land Use Training – May, 2014** Ms. Michaud noted that training would be scheduled for an evening in May, and that it would be held at Town Hall. She noted that there was typically no charge for Planning Board members due to the Town's relationship with the Interlocal Trust. More details would be forthcoming.

**3. Tiverton Planning Board**

**A. Recommendation to the Town Council – Administrative Officer**

Mr. Hardy made a motion to recommend Kate Michaud as Administrative Officer. Ms. Eva seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

**B. Solicitor's Report (Site Ready Appeal)** Mr. Brochu stated that the next hearing was scheduled for March 25. He added that memorandums by Peter Ruggiero and Eric Brainsky had been distributed.

**C. Earth Removal – Draft Revisions to Town Code Chapter 38 – Review and Recommend to the Town Council**

The Chairman stated that he had spoken with Mr. Corr regarding the draft. He stated that Mr. Corr was concerned about the integrity of the buffer and the damage that could be done by driving over the roots of the trees. Mr. Saurette opined that two hundred (200) feet was a very large buffer. A brief discussion ensued. Ms. Michaud referred to the comparison chart listing the buffer requirements of other communities. Mr. Saurette stated that this was a large area of land to reserve as a buffer. Mr. Hardy noted a correction to Section 38-61 regarding dust control. He suggested adding a reference to the RI Standard Detail. Mr. Hardy made a motion to approve the draft for recommendation to the Town Council, as corrected. Mr. Holmes seconded the motion. The motion passed 7-1. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Hardy, Mr. Holmes, Mr. Hughes and Mr. Moniz voted in favor of the motion. Mr. Saurette was opposed.

**D. Quarry Licenses – Status of Applications** No applications had been filed.

**E. Correspondence** There was no correspondence.

**F. Miscellaneous**

**1. Tentative Workshop Date – 3/31 with Town Council – Discussion:** Mr. Hardy stated that the final draft of the Historic District was not ready. He stated that property owner Rosalind Weir and Four Corners Merchants Association President Kristin Silveira were organizing a meeting with the stakeholders. Mr. Hardy stated that if there was no broad consensus, the issue would be dropped. The Chair opined that the Planning Board should let the Town Council know that it would not be prepared for a March 31 workshop since there was no draft to review. Mr. Hardy agreed that the workshop should be put off until April. Mr. Holmes asked if a district in north Tiverton was included, as it had been previously discussed. Mr. Hardy replied in the negative, noting that the number of included parcels had been reduced. He stated that the current plan was to only address Four Corners. Mr. Moniz asked if the Board was going to revisit the issue of Village Commercial Zoning. The Chair replied in the affirmative.

Ms. Michaud stated that she would distribute a map she prepared based on the Historic Preservation Advisory Board's parcel inventory. The Board stated that they would like to see the map. Ms. Eva asked why the historic cemetery had not been included. Mr. Hardy stated that the map was not final. A brief discussion ensued regarding stakeholders, which would include neighbors.

**2. Wind Energy Generation Facilities – Update from Subcommittee** Mr. Holmes stated that the subcommittee had not met. Mr. Moniz stated that they were looking for a third participant. (Current participants being Mr. Holmes and Mr. Moniz.) Mr. Moniz requested an electronic version of the draft ordinance. Ms. Michaud stated that she would forward the document.

**3. Watershed Protection Overlay District Update: Conservation Commission Subcommittee** Mr. Hardy stated that a meeting was scheduled for Saturday, March 8 at 8:30 AM at Town Hall. He stated that Conservation Commission member Patricia Hilton had agreed to lead the project, and that URI / NEMO director Lorraine Joubert had agreed to act as an expert advisor.

**4. Construction Specifications: Updates Recommended by S. Berlucchi** Mr. Berlucchi stated that he had not completed his draft updates, but that he would meet with Ms. Paiva to discuss prior to the next Planning Board meeting.

**G. Approval of Minutes:**

**November 5, 2013** Mr. Hardy made a motion to approve the minutes. Mr. Moniz seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

**November 19, 2013 (Special Meeting)** These minutes were not ready.

**December 3, 2013** Mr. Hardy made a motion to approve the minutes. Mr. Moniz seconded the motion. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

**January 7, 2014** Mr. Saurette made a motion to approve the minutes. Mr. Moniz seconded the motion. The motion passed 7-0-1. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion. Mr. Hardy abstained since he was absent on January 7.

**H. Adjournment:** Mr. Holmes made a motion to adjourn. The motion was seconded by Ms. Cote. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Hardy, Mr. Holmes, Mr. Hughes, Mr. Moniz and Mr. Saurette voted in favor of the motion. The meeting adjourned at 9:47 P.M.

*(Italicized words represent corrections made on the approved date.)*

Submitted by: \_\_\_\_\_  
Kate Michaud, Clerk

Approval Date: April 1, 2014